



**GREENBLUM & BERNSTEIN, P.L.C.**  
**Intellectual Property Causes**  
**1950 Roland Clarke Place**  
**Reston, VA 20191**  
**(703) 716-1191**

*AF/2413 EFW*

Attorney Docket No. P18421

**Mail Stop Appeal Brief-Patents**

In re application of : T. TAKAHASHI

Application No. : 09/467,152

Group Art Unit : 2613

Filed : December 20, 1999

Examiner : Behrooz M. SENFI

For : ELECTRONIC ENDOSCOPE

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents

U.S. Patent and Trademark Office

220 20<sup>th</sup> Street S.

Customer Window

Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

Sir:

Transmitted herewith is an **Appeal Brief Under 37 C.F.R. § 1.192** in the above-captioned application.

     Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

     A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

     An Information Disclosure Statement, PTO Form 1449, and references cited.

  X   No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 27	27	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 10	10	0	X 44=	\$	x 88=	\$0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$0.00
Extension Fees for ____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

     Please charge my Deposit Account No. 19-0089 in the amount of \$ \_\_\_\_.

N/A A Check in the amount of \$ \_\_\_\_ to cover the filing fee(s) is included.

  X   The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

  X   Any additional filing fees required under 37 C.F.R. 1.16.

  X   Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

*Will Bernstein*  
*Reg. No. 44,550*

Bruce H. Bernstein  
 Reg. No. 39,037

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : T. TAKAHASHI

Group Art Unit: 2613

Appl. No. : 09/467,152

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**APPEAL BRIEF UNDER 37 C.F.R. § 1.192**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop Appeal Brief- Patents  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

This appeal is from the Examiner's final rejection of claims 1, 3-5, 9-10, 12-19, 21-23, 25-31 and 33-37 as set forth in the Final Official Action of March 29, 2004.

An Amendment Under 37 C.F.R. § 1.116 was filed on June 29, 2004, in response to the above-noted Final Official Action, but was not entered pursuant to an Advisory Action mailed on August 26, 2004.

Applicant notes that this is the second time that an appeal (and accompanying appeal brief) has been filed (the first appeal, which was filed on June 13, 2003, resulted in the Examiner reopening prosecution of the present application). Thus, since the requisite fee under 37 C.F.R. 1.17(c) of \$ 320.00 for the filing of an Appeal Brief was already paid when

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the First Appeal Brief was filed on August 13, 2003. However, if for any reason it is deemed that the fee must be paid a second time, or that any other fees are due, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19-0089.

**(1) REAL PARTY IN INTEREST**

The real party in interest is PENTAX Corporation, by virtue of a Change of Name filed on August 13, 2003, together with a Recordation Cover Sheet indicating that the name of original Assignee Asahi Kogaku Kogyo Kabushiki Kaisha has been changed to PENTAX Corporation, along with a copy of a Certificate of Corporate Resume and English language translation thereof (copy), and by virtue of an assignment recorded in the U.S. Patent and Trademark Office on December 20, 1999, at Reel 010471 and Frame 0382.

**(2) RELATED APPEALS AND INTERFERENCES**

No related appeals and/or interferences are pending. However, as noted above, this is the second time that the present application has been appealed.

**(3) STATUS OF THE CLAIMS**

Claims 1, 3-5, 9-10, 12-19, 21-23, 25-31 and 33-37, the only claims pending in the instant application, stand finally rejected.

**(4) STATUS OF THE AMENDMENTS**

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As discussed *supra*, an Amendment Under 37 C.F.R. § 1.116 was filed on June 29, 2004, in response to the above-noted Final Official Action, but was not entered pursuant to an Advisory Action mailed on August 26, 2004. Applicant notes that no other amendments after final have been filed.

**(5) SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention is directed to an electronic endoscope in which the year, month, and day can be easily differentiated on a screen on which a date is output and displayed along with the image of the body cavity (Specification page 2, lines 21 - 24). The instant invention provides a data generating device, provided in an electronic endoscope, the device generating an image data corresponding to an object image obtained by the electronic endoscope, and character information including a date when the object image was obtained. The device includes a date-differentiating processor that generates the character information so that at least one of the year, month, and day is differentiated when the date is displayed on a screen of a display device along with the object image. Thus, when the date and the image, stored in an electronic file, are read therefrom and displayed on a screen of a display device, for example, several months or years after the recording date, at least one of the year, month, and day can be easily recognized by one viewing the screen. (page 3, lines 1 - 13).

As a result of the date differentiation of the present invention, it is easy for one viewing the display to distinguish between the month and the day and there is no chance of

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the date being misread even when reproducing and displaying the stored image of the body cavity S (page 24, lines 2 - 6).

In particular, the following descriptions are made with respect to the independent claims and include references to particular parts of the specification. As such, the following are merely exemplary and are not a surrender of other aspects of the present invention that are also enabled by the present specification and that are directed to equivalent structures or methods.

Claim 1 is directed to a data generating device, provided in an electronic endoscope (Fig. 1), the device generating an image data (page 9, lines 18-19) corresponding to an object image obtained by the electronic endoscope (page 10, lines 9-20), and character information including a date when the object image is obtained (page 11, lines 3-19). The device includes a date-differentiating processor (30) that generates the character information so that, when the date is displayed on a screen of a display device along with the object image, at least one of the year, month, and day is differentiated on the screen, wherein the date-differentiating processor sets one of the year, month, and day to a color different from the others (page 13, line 25-page 14; line 1, page 14, lines 10-12; page 24, lines 7-11); and the date is displayed in an order of at least one of year, month and day; month, day and year; and day, month and year (Figs. 3A-3C, page 13, lines 18-20).

Claim 19 is directed to an electronic endoscope (Fig. 1) including a display processor (32) configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen (Figs. 2, 3A-3C, page 13, lines 18-20), and further including a storing processor (30) that stores the date along with the object image in an image storage device (34) as a single image (page 11, lines 8-9). The storing processor is configured to differentiate at least one of the year, month, and day by storing one of the year, month, and day by a different color in the image storage device (page 13, line 25-page 14; line 1, page 14, lines 10-12; page 24, lines 7-11).

Claim 29 is directed to an electronic endoscope (Fig. 1) including a display processor (32) configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen (Figs. 2, 3A-3C, page 13, lines 18-20), and further including a date-differentiating processor (30) that sets the mode of display of the year, month, and day to be displayed by the display processor so as to differentiate at least one of the year, month, and day on the screen, wherein the date-differentiating processor sets one of the year, month, and day to a color different from the others (page 13, line 25-page 14; line 1, page 14, lines 10-12; page 24, lines 7-11).

Claim 30 is directed to a data generating device for an electronic endoscope (Fig. 1) and including an image data generator (13) configured to generate image data corresponding to an object image obtained by the electronic endoscope (page 10, lines 9-20), and further

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including a date-differentiating processor (30) configured to generate character information including a date, such that when the date is displayed on a screen of a display device along with the object image the date-differentiating processor differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a color different from the other of the year, month and day (page 13, line 25-page 14; line 1, page 14, lines 10-12; page 24, lines 7-11). An order of the displayed date is switchably displayable from among the year, month and day; month, day and year; and day, month and year (page 4, lines 23-25).

Claim 31 is directed to an electronic endoscope (Fig. 1) including a display processor (32) configured to selectively and switchably display, along with an object image on a screen, an order of a date from among year, month and day; month, day and year; and day, month and year (page 4, lines 23-25), and further including a storing processor (30) configured to store the date along with the object image in an image storage device as a single image (page 11, lines 8-9), and store the at least one of one of the year, month, and day of the date by a different color in the image storage device (page 13, line 25-page 14; line 1, page 14, lines 10-12; page 24, lines 7-11).

Claim 33 is directed to a data generating device, provided in an electronic endoscope (Fig. 1), the device generating an image data (page 9, lines 18-19) corresponding to an object image obtained by the electronic endoscope (page 10, lines 9-20), and character information

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including a date when the object image is obtained (page 11, lines 3-19), the device including a date-differentiating processor (30) that generates the character information so that, when the date is displayed on a screen of a display device along with the object image, at least one of the year, month, and day is differentiated on the screen, wherein the date-differentiating processor sets one of the year, month, and day to a font different from the others (page 33, line 20 - page 34, line 4), and the date is displayed in an order of at least one of year, month and day; month, day and year; and day, month and year (Figs. 3A-3C, page 13, lines 18-20).

Claim 34 is directed to an electronic endoscope (Fig. 1) including a display processor (32) configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen (Figs. 2, 3A-3C, page 13, lines 18-20), and further including a storing processor (30) that stores the date along with the object image in an image storage device (34) as a single image (page 11, lines 8-9). The storing processor is configured to differentiate at least one of the year, month, and day by storing one of the year, month, and day by a different font in the image storage device (page 33, line 20 - page 34, line 4).

Claim 35 is directed to an electronic endoscope (Fig. 1) including a display processor (32) configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen (Figs. 2, 3A-3C, page 13, lines 18-20), and further including a date-differentiating processor (30) that sets

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the mode of display of the year, month, and day to be displayed by the display processor so as to differentiate at least one of the year, month, and day on the screen, wherein the date-differentiating processor sets one of the year, month, and day to a font different from the others (page 33, line 20 - page 34, line 4).

Claim 36 is directed to a data generating device for an electronic endoscope (Fig. 1), the data generating device including an image data generator (13) configured to generate image data corresponding to an object image obtained by the electronic endoscope (page 10, lines 9-20), and further including a date-differentiating processor (30) configured to generate character information including a date, such that when the date is displayed on a screen of a display device along with the object image the date-differentiating processor differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a font different from the other of the year, month and day (page 33, line 20 - page 34, line 4). An order of the displayed date is switchably displayable from among the year, month and day; month, day and year; and day, month and year (page 4, lines 23-25).

Claim 37 is directed to an electronic endoscope (Fig. 1) including a display processor (32) configured to selectively and switchably display, along with an object image on a screen, an order of a date from among year, month and day; month, day and year; and day, month and year (page 4, lines 23-25), and further including a storing processor configured to store the date along with the object image in an image storage device as a single image (page 11,

lines 8-9), and further configured to store the at least one of one of the year, month, and day of the date by a different font in the image storage device (page 33, line 20 - page 34, line 4).

**(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**(A) Whether claims 1, 3-5, 9-10, 12, 16-18, 29-30, 33 and 35-36 are properly rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,846,155 to KIMURA (hereinafter KIMURA) in view of U.S. Patent No. 6,249,362 to SATO (hereinafter SATO).**

**(B) Whether claims 13-15, 19, 21-23, 25-28, 31, 34 and 37 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB (hereinafter SALB).**

**(7) ARGUMENT**

**(A) The Rejection of claims 1, 3-5, 9-10, 12, 16-18, 29-30, 33 and 35-36 under 35 U.S.C. § 103(a) over KIMURA in view of SATO is in error, the decision to reject these claims on this ground should be reversed, and the application should be remanded to the Examiner for allowance.**

**I. Claims 1, 3-5, 9-10, 16, 18, 29-30, 33 and 35-36**

In the Final Official Action of March 29, 2004, the Examiner asserted that, regarding claims 1, 3-5, 9-10, 16, 18, 29-30, 33, 35 and 36 KIMURA “discloses [a] data generating device, provided in an electronic endoscope, [the] device generating an image data corresponding to an object image and character information including a date when said object image is obtained, and date differentiating process [*sic*, processor] that generates character information so that when date is displayed in a screen of a display device along with an object image, at least one of the year, month and day is differentiated on the screen, and

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storing and displaying mode on screen.” The Examiner further determined that while KIMURA “fails to explicitly teach color code or character type different from the others,” SATO “teaches image processing capable of displaying the date in preferred color, font, size along with the object,” and concludes that it would have been obvious to include this feature into the endoscope of KIMURA.”

Applicant again respectfully traverses this rejection, and submits that the applied references are markedly different from the present invention as claimed, as detailed hereinbelow. Applicant further expressly incorporates herein all arguments proffered in Applicant’s previous submissions with respect to all rejected claims.

Claim 1

The rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Applicant submits the applied references fail to teach or suggest at least the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein the date differentiating processor sets one of the year, month, and day is set to a color different from the others, as claimed in independent claim 1.

Specifically, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official

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Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,'" but *completely fails to address* the claimed limitation "wherein the date differentiating processor sets one of the year, month, and day is set to a color different from the others," which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley's comments, and notes that Examiner Kelley explained that "using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character." It is respectfully submitted that the Examiner's reasoning is again incorrect. It is unclear to Applicant how the allowance of Applicant's claimed limitation that one of the year, month, and day is set to a color different from the others would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner's determination regarding the claimed limitation that the date-differentiating processor sets one of the year, month, and day to a color different from the others (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.,* Fig. 3E), and while this reference discloses displaying the *entire* date in different

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colors (*see, e.g.*, col. 10, lines 40-51), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by setting one of a year, month and day to a color or font different from the others.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating one of the year, month and day of the date, contrary to the Examiner's determination. Specifically, and as noted *supra*, in the Final Official Action, the Examiner asserted that this "date-differentiating" feature is present in KIMURA, but the Examiner does not explain how the year, month and day are differentiated on the screen without a different character type or color (this different character type/color feature not being taught by KIMURA, as correctly noted by the Examiner). Thus, if the date October 3, 2001, in KIMURA is displayed as "01-10-03", without making the character type or color different, there is no way to distinguish the date from January 10, 2003, October 3, 2001, or March 10, 2001. However, in the present invention, for example, if the character color of the year is set in yellow, and the month is set in green, then one reading the date would understand it to be October 3, 2001, no matter which date-order-convention is used in the world (*see, e.g.*, page 28, line 24 - page 29, line 4 of the specification of the application).

With respect to the Examiner's citation and discussion of the SYBEX manual, which only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record). Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein the date differentiating processor sets one of the year, month, and day is set to a color different from the others, as claimed in independent claim 1.

Moreover, Appellant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of KIMURA and SATO in the manner asserted by the Examiner. It is clear that in both rejections under §103, the Examiner has, based upon Appellant's disclosure, picked various individual features of the references and has combined them in the manner taught only by Appellant's disclosure. This hindsight reconstruction of the prior art is inappropriate under 35 U.S.C. § 103.

Appellant submits that rejections based on 35 U.S.C. § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner has the initial duty of supplying the factual basis for the rejection and may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967). As stated in W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984):

[t]o imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.

Thus, Appellant submits that no proper combination of SATO and KIMURA discloses or suggests the combination of features recited in at least independent claim 1, and submits that the applied prior art fails to disclose or suggest the necessary motivation or rationale for a proper combination under 35 U.S.C. § 103(a).

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 1 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to

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the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

Additionally, Appellant submits that dependent claims 3-5, 9, 10 and 12-18 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention over the art of record.

Accordingly, the rejection of claims 3-5, 9, 10 and 12-18 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal. Additionally, claims 3-5, 9, 10 and 12-18 are further patentable over any proper combination of the teachings of KIMURA and SATO for the additional reasons set forth hereinbelow.

#### Claim 3

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the date-differentiating processor setting of the year, month, and day to a color or character type different from the others only for the period of a date-setting operation, as recited in claim 3.

#### Claim 4

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Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the date-differentiating processor setting a mode of display of the year, month, and day so that said screen differentiates at least one of the month and day, of the displayed year, month, and day, as recited in claim 4.

Claim 5

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the date-differentiating processor setting one of the month and day, of the year, month, and day displayed by numerals, to a different color, as recited in claim 5.

Claim 9

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the date-differentiating processor setting one of the month and day, of the year, month, and day to be displayed by numerals, to a different color only for the period of the date setting operation, as recited in claim 9.

Claim 10

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the date-differentiating processor setting the year, month, and day to be displayed by numerals to respectively different colors, as recited in claim 10.

Claim 16

Moreover, Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the display processor that displays the character information, generated by said date-differentiating processor, along with said object image, on said screen, as recited in claim 16.

Claim 18

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the date-differentiating processor outputting said character code in such a manner that one of the year, month, and day, to be differentiated from the others, is displayed in a mode of display which is different from that of the others, as recited in claim 18.

Claim 29

The rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Applicant submits the applied references fail to teach or suggest at least the claimed date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and

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day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color different from the others, as claimed in independent claim 29.

Specifically, as described *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that “Applicant asserts that ‘the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,’” but *completely fails to address* the claimed limitation “wherein said date-differentiating processor sets one of the year, month, and day to a color different from the others” which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley’s comments, and notes that Examiner Kelley explained that “using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character.” It is respectfully submitted that the Examiner’s reasoning is again incorrect. It is unclear to Applicant how the allowance of Applicant’s claimed limitation that setting one of the year, month, and day to a color different from the others would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner’s determination regarding the claimed limitation that date-differentiating processor sets one of the year, month, and day to a color different

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from the others (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004, as discussed *supra*. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in different colors (*see, e.g.*, col. 10, lines 40-51), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by setting one of a year, month and day to a color different from the others.

With respect to KIMURA, as noted *supra* and in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed date differentiating processor that differentiates one of the year, month and day of the date on the screen, contrary to the Examiner's determination.

With respect to the Examiner's citation and discussion of the SYBEX manual, which only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record), as described *supra*. Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors,

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the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the claimed date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color different from the others, as claimed in independent claim 29.

Moreover, as noted *supra* with respect to independent claim 1, Appellant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of KIMURA and SATO in the manner asserted by the Examiner.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 29 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

#### Claim 30

The rejection of claim 30 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

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Applicant submits the applied references fail to teach or suggest at least the claimed date-differentiating processor configured to generate character information including a date, such that when the date is displayed on a screen of a display device along with the object image said date-differentiating processor differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a color different from the other of the year, month and day; wherein an order of the displayed date is switchably displayable from among the year, month and day; month, day and year; and day, month and year, as claimed in independent claim 30.

Specifically, as noted *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that “Applicant asserts that ‘the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,’” but *completely fails to address* the claimed limitation of “setting one of the year, month, and day to a color different from the other of the year, month and day,” which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley’s comments, and notes that Examiner Kelley explained that “using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character.” It is respectfully submitted that the Examiner’s reasoning is again incorrect. It is

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unclear to Applicant how the allowance of Applicant's claimed limitation that one of the year, month, and day is set to a color different from the others would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner's determination regarding the limitation of differentiating at least one of year, month and day on the screen by setting one of the year, month, and day to a color different from the other of the year, month and day (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in different colors (*see, e.g.*, col. 10, lines 40-51), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating at least one of year, month and day on the screen by setting one of the year, month, and day to a color different from the other of the year, month and day.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating at least one of year, month and day on the screen.

With respect to the Examiner's citation and discussion of the SYBEX manual, which only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record), as discussed *supra*. Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the claimed date-differentiating processor that differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a color different from the other of the year, month and day, as claimed in independent claim 30.

Applicant also notes that, with respect to this claim, the Examiner has not discussed how KIMURA in any proper combination with SATO teaches or suggests the claimed order of the displayed date being switchably displayable from among the year, month and day; month, day and year; and day, month and year. Nevertheless, Applicant submits that none of the references of record teaches or suggests this feature. For Example, SATO is merely capable of displaying the *entire* date in a different format, size, color or font (*e.g.*, 1996.3.10 vs. '96-03-10), and does not change the order of the date (*i.e.*, the date is always displayed in

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the same order) (*see, e.g.*, Fig. 3C). SATO is further merely capable of displaying the *entire* date at different positions on the screen, and still does not change the order of the date (*see, e.g.*, Fig. 3E).

Moreover, as discussed *supra* with respect to independent claim 1, Appellant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of KIMURA and SATO in the manner asserted by the Examiner.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 30 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

### Claim 33

Initially, Applicant notes that the Examiner's grounds for rejection of this claim applies to those used in the rejection of claim 1, since, according to the Examiner, the limitations claimed therein "are substantially similar." Applicant notes that the main difference between claims 1 and 33 is that claim 1 is directed to a date-differentiating processor that sets one of the year, month, and day to a color different from the others, and claim 33 is directed to a date-differentiating processor that sets one of the year, month, and day to a font different from the others.

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Applicant submits the applied references fail to teach or suggest at least the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein the date differentiating processor sets one of the year, month, and day is set to a font different from the others, as claimed in independent claim 33.

Specifically, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,'" but *completely fails to address* the claimed limitation "wherein the date differentiating processor sets one of the year, month, and day is set to a font different from the others," which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley's comments, and notes that Examiner Kelley explained that "using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character." It is respectfully submitted that the Examiner's reasoning is again incorrect. It is unclear to Applicant how the allowance of Applicant's claimed limitation that one of the year, month, and day is set to a font different from the others would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others, as discussed *supra*.

With respect to SATO, the Examiner's determination regarding the claimed limitation that the date-differentiating processor sets one of the year, month, and day to a font different from the others (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in a different font (*see, e.g.*, Fig. 3C), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by setting one of a year, month and day to a color or font different from the others.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating one of the year, month and day of the date, contrary to the Examiner's determination. Specifically, and as noted *supra*, in the Final Official Action, the Examiner asserted that this "date-differentiating" feature is present in KIMURA, but the Examiner does not explain how the year, month and day are differentiated on the screen without a different character type or color (this different character type/color feature not being taught by KIMURA, as correctly noted by the Examiner). Thus, if the date October 3, 2001, in KIMURA is displayed as "01-10-03", without making the character type or color different, there is no way to distinguish the date

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from January 10, 2003, October 3, 2001, or March 10, 2001. However, in the present invention, for example, if the character type of the year is set in boldface type, and the month is set in italics, *e.g.* "01-10-03", then one reading the date would understand it to be October 3, 2001, no matter which date-order-convention is used in the world. (*see, e.g.*, page 33, lines 20 - 24 of the specification of the application).

As noted *supra*, with respect to the Examiner's citation and discussion of the SYBEX manual, which only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record). Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein the date differentiating processor sets one of the year, month, and day is set to a font different from the others, as claimed in independent claim 33.

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Moreover, as discussed *supra* with respect to claim 1, Appellant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of KIMURA and SATO in the manner asserted by the Examiner.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 33 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

#### Claim 35

Initially, Applicant notes that the Examiner's grounds for rejection of this claim applies to those used in the rejection of claim 29, since, according to the Examiner, the limitations claimed therein "are substantially similar." Applicant notes that the main difference between claims 29 and 35 is that claim 29 is directed to a date-differentiating processor that sets one of the year, month, and day to a color different from the others, and claim 35 is directed to a date-differentiating processor that sets one of the year, month, and day to a font different from the others.

Applicant submits the applied references fail to teach or suggest at least the claimed date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and

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day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a font different from the others, as claimed in independent claim 35.

Specifically, as described *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that “Applicant asserts that ‘the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,’” but *completely fails to address* the claimed limitation “wherein said date-differentiating processor sets one of the year, month, and day to a font different from the others” which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley’s comments, and notes that Examiner Kelley explained that “using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character.” It is respectfully submitted that the Examiner’s reasoning is again incorrect. It is unclear to Applicant how the allowance of Applicant’s claimed limitation that setting one of the year, month, and day to a font different from the others would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner’s determination regarding the claimed limitation that the date-differentiating processor sets one of the year, month, and day to a font different

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from the others (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004, as discussed *supra*. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in a different font (*see, e.g.*, Fig. 3C), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by setting one of a year, month and day to a font different from the others.

With respect to KIMURA, as noted *supra* and in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed date differentiating processor that differentiates one of the year, month and day of the date on the screen, contrary to the Examiner's determination.

With respect to the Examiner's citation and discussion of the SYBEX manual, which only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record), as described *supra*. Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors,

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the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the claimed date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a font different from the others, as claimed in independent claim 35.

Moreover, as noted *supra* with respect to independent claim 1, Appellant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of KIMURA and SATO in the manner asserted by the Examiner.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 35 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

#### Claim 36

Initially, Applicant notes that the Examiner's grounds for rejection of this claim applies to those used in the rejection of claim 30, since, according to the Examiner, the limitations claimed therein "are substantially similar." Applicant notes that the main

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difference between claims 30 and 36 is that claim 30 is directed to one of the year, month, and day being set to a color different from the other of the year, month and day, and claim 36 is directed to one of the year, month, and day being set to a font different from the other of the year, month and day.

Applicant submits the applied references fail to teach or suggest at least the claimed date-differentiating processor configured to generate character information including a date, such that when the date is displayed on a screen of a display device along with the object image said date-differentiating processor differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a font different from the other of the year, month and day; wherein an order of the displayed date is switchably displayable from among the year, month and day; month, day and year; and day, month and year, as claimed in independent claim 36.

Specifically, as noted *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,'" but *completely fails to address* the claimed limitation "setting one of the year, month, and day to a font different from the other of the year, month and day," which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further

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(incorrectly) asserts that Applicant mischaracterized Examiner Kelley's comments, and notes that Examiner Kelley explained that "using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character." It is respectfully submitted that the Examiner's reasoning is again incorrect. It is unclear to Applicant how the allowance of Applicant's claimed limitation that one of the year, month, and day is set to a font different from the others would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner's determination regarding the limitation of setting one of the year, month, and day to a font different from the other of the year, month and day (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in a different font (*see, e.g.*, Fig. 3C), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating at least one of year, month and day on the screen by setting one of the year, month, and day to a font different from the other of the year, month and day.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or*

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*suggestion whatsoever* in KIMURA of the claimed differentiating at least one of year, month and day on the screen.

With respect to the Examiner's citation and discussion of the SYBEX manual, which only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record), as discussed *supra*. Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the claimed date-differentiating processor that differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a font different from the other of the year, month and day, as claimed in independent claim 36.

Applicant also notes that, with respect to this claim, the Examiner has not discussed how KIMURA in any proper combination with SATO teaches or suggests the claimed order of the displayed date being switchably displayable from among the year, month and day; month, day and year; and day, month and year. Nevertheless, Applicant submits that none of the references of record teaches or suggests this feature. For Example, SATO is merely

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capable of displaying the *entire* date in a different format, size, color or font (*e.g.*, 1996.3.10 vs. '96-03-10), and does not change the order of the date (*i.e.*, the date is always displayed in the same order) (*see, e.g.*, Fig. 3C). SATO is further merely capable of displaying the *entire* date at different positions on the screen, and still does not change the order of the date (*see, e.g.*, Fig. 3E).

Moreover, as discussed *supra* with respect to independent claim 1, Appellant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of KIMURA and SATO in the manner asserted by the Examiner.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 36 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

## II. Claim 12

The rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Appellant submits that dependent claim 12 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional features that further define the present invention.

Moreover, Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the display order can be changed on said screen by a switching operation of the display order, as recited in claim 12.

To the contrary, SATO is merely capable of displaying the *entire* date in a different format, size, color or font (*e.g.*, 1996.3.10 vs. '96-03-10), and does not change the order of the date (*i.e.*, the date is always displayed in the same order) (*see, e.g.*, Fig. 3C). SATO is further merely capable of displaying the *entire* date at different positions on the screen, and still does not change the order of the date (*see, e.g.*, Fig. 3E). Thus, neither SATO, nor any of the other references of record teach or suggest at least the claimed switching operation.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 12 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and an early allowance of all claims on appeal.

### III. Claim 17

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, the display processor comprising a character

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code output processor that outputs a character code corresponding to said date, and a character signal generating processor that generates a character signal in accordance with said character code output by said character code output processor, said character signal being output, along with a video signal corresponding to said object image, to a monitor provided outside said electronic endoscope, so that said object image is displayed on said screen and said date is displayed at a predetermined position on said screen, as recited in claim 17.

**(B) The rejection of claims 13-15, 19, 21-23, 25-28, 31, 34 and 37 under 35 U.S.C. § 103(a) over KIMURA in view of SATO and further in view of SALB is in error, the decision to reject these claims on this ground should be reversed, and the application should be remanded to the Examiner for allowance.**

In the Final Official Action, the Examiner asserted that, regarding claims 13, 14, 19, 26 and 31, that the combination of KIMURA and SATO teaches an “electronic endoscope, and displaying a year, month and day of a date along with an object image on a screen and different color or character type and stores date [*sic*] along with said object image”, but fails to explicitly teach the storing processor that stores the date along with the object image as a single image. However, the Examiner determined that SALB teaches displaying dates and the object image as a single image, and concluded that it would have been obvious to include this feature into the combination KIMURA and SATO.

Applicant again respectfully traverses this rejection, and submits that the applied references are markedly different from the present invention as claimed, as detailed

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hereinbelow. Again, Applicant further expressly incorporates herein all arguments proffered in Applicant's previous submissions with respect to all claims.

Claim 13

The rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO and further in view of SALB is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Appellant respectfully traverses the Examiner's rejection for at least the reasons discussed with respect to item (A), *supra*. For example, the applied references fail to teach or suggest at least the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein the date differentiating processor sets one of the year, month, and day is set to a color different from the others, as claimed in independent claim 1, from which claim 13 depends. As discussed *supra*, there is no such disclosure in KIMURA of differentiating at least one of the year, month and day, and SATO is incapable of differentiating a date as well.

Additionally, while the Examiner has correctly asserted that KIMURA and SATO fail to teach a storing processor that stores the date along with the object image as a single image, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image

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as a single image. Appellant notes that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed preferable storing of the date along with the object image in an image storage device as a single image, as claimed in claim 13. In fact, SALB completely fails to disclose the storing of dates at all. Thus, no proper combination of SATO, KIMURA and SALB can render unpatentable the combination of features recited in at least claim 13.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 13.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 13 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

Claim 14

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Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the object image stored in said image storage device is at least reproduced and displayed on said screen or output as hard copy, as recited in claim 14.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 14.

#### Claim 15

The rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO and further in view of SALB is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Appellant respectfully traverses the Examiner's rejection for at least the reasons discussed with respect to item (A), *supra*. For example, the applied references fail to teach or suggest at least the displaying of the date in an order of at least one of year, month and

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day; month, day and year; and day, month and year, wherein the date differentiating processor sets one of the year, month, and day is set to a color different from the others, as claimed in independent claim 1 and dependent claim 13, from which claim 15 depends. As discussed *supra*, there is no such disclosure in KIMURA of differentiating at least one of the year, month and day, and SATO is incapable of differentiating a date as well.

Moreover, as discussed *supra*, Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, storing processor that stores said date along with said object image, in an electronic file, as recited in claim 15. Specifically, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image as a single image. Appellant notes that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed storing processor that stores the date along with the object image in an image storage device as a single image, as claimed in claim 15. In fact, SALB completely fails to disclose the storing of dates at all. Thus, no proper combination of SATO, KIMURA and SALB can render unpatentable the combination of features recited in at least independent claim 15.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to

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combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 15.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 15 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

Claim 19

The rejection of claim 19 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO and further in view of SALB is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Applicant submits the applied references fail to teach or suggest at least the differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different color, as claimed in independent claim 19.

Specifically, as noted *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or

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suggest displaying date in an order of at least one of year, month and day; month, day and year,” but *completely fails to address* the claimed limitation “storing one of the year, month, and day by a different color,” which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley’s comments, and notes that Examiner Kelley explained that “using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character.” As noted above with respect to the other independent claims, it is respectfully submitted that the Examiner’s reasoning is again incorrect, and it is unclear to Applicant how the allowance of Applicant’s claimed limitation that storing one of the year, month, and day by a different color would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner’s determination regarding the claimed limitation of storing one of the year, month, and day by a different color (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant’s response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.,* Fig. 3E), and while this reference discloses displaying the *entire* date in different colors (*see, e.g.,* col. 10, lines 40-51), there

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appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by storing one of a year, month and day by a color or font different from the others.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating of at least one of the year, month, contrary to the Examiner's determination.

With respect to the Examiner's citation and discussion of the SYBEX manual, which, as discussed *supra*, only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record). Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different color, as claimed in independent claim 19.

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Additionally, while the Examiner has correctly asserted that KIMURA and SATO fail to teach a storing processor that stores the date along with the object image as a single image, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image as a single image. Appellant notes that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed storing processor that stores the date along with the object image in an image storage device as a single image, as claimed in claim 19. In fact, SALB completely fails to disclose the storing of dates at all. Thus, no proper combination of SATO, KIMURA and SALB can render unpatentable the combination of features recited in at least independent claim 19.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 19.

Accordingly, Appellant respectfully submits that the Examiner's final rejection of claim 19 under 35 U.S.C. § 103(a) is improper for all the above reasons and respectfully

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requests that the Examiner's decision to reject these claims on this ground be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

Claim 21

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the storing processor stores the year, month, and day in said image storage device to enable at least the month and day in the year, month, and day to be differentiated on said screen, as recited in claim 21. Specifically, as described *supra*, none of the applied references allow such differentiation.

Claim 22

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, storing processor stores one of the month and day in the year, month, and day by a different color in said image storage device, as recited in claim 22.

Claim 23

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the storing processor outputs said character code in such a manner that one of the year, month, and day, to be differentiated from the others, is displayed in a mode of display which is different from that of the others.

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Claim 25

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the display order can be changed on said screen by a switching operation of the display order. As described above, SATO is merely capable of displaying the *entire* date in a different format, size, color or font (*e.g.*, 1996.3.10 *vs.* '96-03-10), and does not change the order of the date (*i.e.*, the date is always displayed in the same order) (*see, e.g.*, Fig. 3C). SATO is further merely capable of displaying the *entire* date at different positions on the screen, and still does not change the order of the date (*see, e.g.*, Fig. 3E). Thus, neither SATO, nor any of the other references of record teach or suggest at least the claimed switching operation.

Claim 26

The rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO and further in view of SALB is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Appellant respectfully traverses the Examiner's rejection for at least the reasons discussed with respect to item (A), *supra*. For example, the applied references fail to teach or suggest at least the differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different color, and further fail to teach or suggest the

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claimed storing processor that stores the date along with the object image in an image storage device as a single image, as claimed in independent claim 19, from which claim 26 depends. As discussed *supra*, there is no such disclosure in KIMURA of differentiating at least one of the year, month and day, and SATO is incapable of differentiating a date as well.

Moreover, Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the image stored in said image storage device is at least reproduced and displayed on said screen or output as hard copy, as recited in claim 26.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 26.

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claim 26 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

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Claim 27

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the storing processor comprises a character code output processor that outputs a character code corresponding to said date, and a character signal generating processor that generates a character signal in accordance with said character code output by said character code output processor, said character signal being output, along with a video signal corresponding to said object image, to said image storage device, so that said date is stored in said image storage device along with said image, as claimed in claim 27.

Claim 28

Appellant submits that no proper combination of the applied documents discloses or suggests, in combination: *inter alia*, that the storing processor stores the year, month, and day displayed by numerals by different colors in said image storage device, as recited in claim 28 (emphasis added).

Claim 31

The rejection of claim 31 under 35 U.S.C. § 103(a) as being unpatentable over KIMURA in view of SATO and further in view of SALB is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

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Applicant submits the applied references fail to teach or suggest at least the storing processor configured to store the date along with said object image in an image storage device as a single image, and store the at least one of one of the year, month, and day of the date by a different color in said image storage device, as claimed in independent claim 31.

Specifically, as noted *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,'" but *completely fails to address* the claimed limitation "store the at least one of one of the year, month, and day of the date by a different color," which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley's comments, and notes that Examiner Kelley explained that "using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character." As noted above with respect to the other independent claims, it is respectfully submitted that the Examiner's reasoning is again incorrect, and it is unclear to Applicant how the allowance of Applicant's claimed limitation that storing one of the year, month, and day by a different color would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner's determination regarding the claimed limitation of storing at least one of one of the year, month, and day of the date by a different color (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in different colors (*see, e.g.*, col. 10, lines 40-51), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by storing one of a year, month and day by a color or font different from the others.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating of at least one of the year, month, and day, contrary to the Examiner's determination.

With respect to the Examiner's citation and discussion of the SYBEX manual, which, as discussed *supra*, only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record). Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different

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colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the storing at least one of one of the year, month, and day of the date by a different color, as claimed in independent claim 31.

Additionally, while the Examiner has correctly asserted that KIMURA and SATO fail to teach a storing processor configured to store the date along with said object image in an image storage device as a single image, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image as a single image. Appellant notes that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed storing processor that stores the date along with the object image in an image storage device as a single image, as claimed in claim 31. In fact, SALB completely fails to disclose the storing of dates at all. Thus, no proper combination of SATO, KIMURA and SALB can render unpatentable the combination of features recited in at least independent claim 31.

Additionally, as discussed *supra*, the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted

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improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 31.

Accordingly, Appellant respectfully submits that the Examiner's final rejection of claim 31 under 35 U.S.C. § 103(a) is improper for all the above reasons and respectfully requests that the Examiner's decision to reject these claims on this ground be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

#### Claim 34

Initially, Applicant notes that the Examiner's grounds for rejection of this claim applies to those used in the rejection of claim 19, since, according to the Examiner, the limitations claimed therein "are substantially similar." Applicant notes that the main difference between claims 19 and 34 is that claim 19 recites differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different color, and claim 34 recites differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different font.

Applicant submits the applied references fail to teach or suggest at least the differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different font, as claimed in independent claim 34.

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Specifically, as noted *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,'" but *completely fails to address* the claimed limitation "storing one of the year, month, and day by a different font," which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley's comments, and notes that Examiner Kelley explained that "using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character." As noted above with respect to the other independent claims, it is respectfully submitted that the Examiner's reasoning is again incorrect, and it is unclear to Applicant how the allowance of Applicant's claimed limitation that storing one of the year, month, and day by a different font would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner's determination regarding the claimed limitation of storing one of the year, month, and day by a different font (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed

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to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in a different font (*see, e.g.*, Fig. 3C), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by storing one of a year, month and day by a color or font different from the others.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating of at least one of the year, month, and day by storing one of the year, month, and day, contrary to the Examiner's determination.

With respect to the Examiner's citation and discussion of the SYBEX manual, which, as discussed *supra*, only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record). Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

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Thus, the applied references fail to teach or suggest at least the differentiating of at least one of the year, month, and day by storing one of the year, month, and day by a different font, as claimed in independent claim 34.

Additionally, while the Examiner has correctly asserted that KIMURA and SATO fail to teach a storing processor that stores the date along with the object image as a single image, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image as a single image. Appellant notes that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed storing processor that stores the date along with the object image in an image storage device as a single image, as claimed in claim 34. In fact, SALB completely fails to disclose the storing of dates at all. Thus, no proper combination of SATO, KIMURA and SALB can render unpatentable the combination of features recited in at least independent claim 34.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and

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again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 34.

Accordingly, Appellant respectfully submits that the Examiner's final rejection of claim 34 under 35 U.S.C. § 103(a) is improper for all the above reasons and respectfully requests that the Examiner's decision to reject these claims on this ground be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

Claim 37

Applicant notes that the Examiner's grounds for rejection of this claim applies to those used in the rejection of claim 31, since, according to the Examiner, the limitations claimed therein "are substantially similar." Applicant notes that the main difference between claims 31 and 37 is that claim 31 recites a storing processor configured to store the date along with said object image in an image storage device as a single image, and store the at least one of one of the year, month, and day of the date by a different color in said image storage device, and claim 37 recites a storing processor configured to store the date along with said object image in an image storage device as a single image, and store the at least one of one of the year, month, and day of the date by a different font in said image storage device.

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Applicant submits the applied references fail to teach or suggest at least the storing processor configured to store the date along with said object image in an image storage device as a single image, and store the at least one of one of the year, month, and day of the date by a different font in said image storage device, as claimed in independent claim 37.

Specifically, as noted *supra*, Applicant respectfully notes that the Examiner has again mischaracterized the present claimed invention. For example, on page 2 of the Official Action, the Examiner notes that "Applicant asserts that 'the applied references fail to teach or suggest displaying date in an order of at least one of year, month and day; month, day and year,'" but *completely fails to address* the claimed limitation "store the at least one of one of the year, month, and day of the date by a different font," which, as previously discussed, is neither taught nor suggested by the references of record. The Examiner further (incorrectly) asserts that Applicant mischaracterized Examiner Kelley's comments, and notes that Examiner Kelley explained that "using different color or font or character is not patentable otherwise examiner has to issue patent for each font or color or character." As noted above with respect to the other independent claims, it is respectfully submitted that the Examiner's reasoning is again incorrect, and it is unclear to Applicant how the allowance of Applicant's claimed limitation that storing one of the year, month, and day by a different font would require the Examiner to issue a patent for each font, color or character. Applicant is not claiming a specific font or color or character- only that one is different from the others.

With respect to SATO, the Examiner's determination regarding the claimed limitation of storing at least one of one of the year, month, and day of the date by a different font (discussed on page 3 of the Official Action), the Examiner is again incorrect for the same reasons as noted in Applicant's response of January 7, 2004. Specifically, the applied SATO secondary reference is directed to displaying the date at an arbitrary position (*see, e.g.*, Fig. 3E), and while this reference discloses displaying the *entire* date in a different font (*see, e.g.*, Fig. 3C), there appears to be no disclosure or suggestion whatsoever in SATO of differentiating the date by setting one of a year, month and day to a color or font different from the others.

With respect to KIMURA, as noted in Applicant's previously-filed Appeal Brief, while the date and image are displayable on the monitor 4, there is *no disclosure or suggestion whatsoever* in KIMURA of the claimed differentiating of at least one of the year, month, and day, contrary to the Examiner's determination.

With respect to the Examiner's citation and discussion of the SYBEX manual, which, as discussed *supra*, only generally discloses changing a color or character scheme within a word processing document, the Examiner has provided absolutely no motivation for combining this manual (or the disclosure therein) with the endoscope of KIMURA (or any of the other references of record). Similarly, with respect to the Examiner's citation of U.S. Patent No. 4,226,443, which is directed to a printed calendar having the months in different

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colors, the Examiner has provided no discussion whatsoever of this document, and Applicant notes that there is no motivation whatsoever to combine this printed calendar with an endoscope.

Thus, the applied references fail to teach or suggest at least the storing at least one of one of the year, month, and day of the date by a different font, as claimed in independent claim 37.

Additionally, while the Examiner has correctly asserted that KIMURA and SATO fail to teach a storing processor configured to store the date along with said object image in an image storage device as a single image, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image as a single image. Appellant notes that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed storing processor that stores the date along with the object image in an image storage device as a single image, as claimed in claim 37. In fact, SALB completely fails to disclose the storing of dates at all. Thus, no proper combination of SATO, KIMURA and SALB can render unpatentable the combination of features recited in at least independent claim 37.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of SATO and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to

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combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-SATO) combination and again inappropriately and randomly combined it with another reference (SALB), to arrive at the invention as recited in claim 37.

Accordingly, Appellant respectfully submits that the Examiner's final rejection of claim 37 under 35 U.S.C. § 103(a) is improper for all the above reasons and respectfully requests that the Examiner's decision to reject these claims on this ground be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over KIMURA in view of SATO and further in view of SALB and an early allowance of all claims on appeal.

**(D) Conclusion**

Claims 1, 3-5, 9-10, 12, 16-18, 29-30, 33 and 35-36 are patentable under 35 U.S.C. § 103(a) over any proper combination of the teachings of KIMURA and SATO, and claims 13-15, 19, 21-23, 25-28, 31, 34 and 37 are patentable under 35 U.S.C. § 103(a) over any proper combination of the teachings of KIMURA, SATO and SALB. Specifically, the applied art of record fails to disclose or suggest the unique combination of features recited in Appellant's claims 1, 3-5, 9-10, 12-19, 21-23, 25-31 and 33-37 for at least the reasons noted *supra*. Accordingly, Appellant respectfully requests that the Board reverse the decision of

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the Examiner to reject claims 1, 3-5, 9-10, 12-19, 21-23, 25-31 and 33-37 under 35 U.S.C. § 103(a) and remand the application to the Examiner for withdrawal of the rejection.

Thus, Appellant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 103(a), and that the present application and each pending claim are allowable over the prior art of record.

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Should there be any questions, please contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Tadashi TAKAHASHI

*Willie Boshnick*  
*Reg. No. 44,550*

Bruce H. Bernstein  
Reg. No. 29,027

November 24, 2004  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Attachments: Appendix A: Claims on Appeal, *i.e.*, Claims 1, 3-5, 9-10, 12-19, 21-23, 25-31 and 33-37.

**8. APPENDIX A**  
***CLAIMS ON APPEAL***

1. A data generating device, provided in an electronic endoscope, said device generating an image data corresponding to an object image obtained by said electronic endoscope, and character information including a date when said object image is obtained, said device comprising:

a date-differentiating processor that generates said character information so that, when said date is displayed on a screen of a display device along with said object image:

at least one of the year, month, and day is differentiated on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color different from the others; and

the date is displayed in an order of at least one of year, month and day; month, day and year; and day, month and year.

3. The device according to claim 1, wherein said date-differentiating processor sets one of the year, month, and day to a color or character type different from the others only for the period of a date-setting operation.

4. The device according to claim 1, wherein said date-differentiating processor sets a mode of display of the year, month, and day so that said screen differentiates at least one of the month and day, of the displayed year, month, and day.

5. The device according to claim 4, wherein said date-differentiating processor sets one of the month and day, of the year, month, and day displayed by numerals, to a different color.

9. The device according to claim 4, wherein said date-differentiating processor sets one of the month and day, of the year, month, and day to be displayed by numerals, to a different color only for the period of the date setting operation.

10. The device according to claim 4, wherein said date-differentiating processor sets the year, month, and day to be displayed by numerals to respectively different colors.

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12. The device according to claim 1, wherein said display order can be changed on said screen by a switching operation of the display order.

13. The device according to claim 1, wherein said object image and date to be displayed on said screen are preferably stored as a single image in an image storage device.

14. The device according to claim 13, wherein said object image stored in said image storage device is at least reproduced and displayed on said screen or output as hard copy.

15. The device according to claim 1, further comprising a storing processor that stores said date along with said object image, in an electronic file.

16. The device according to claim 1, further comprising a display processor that displays said character information, generated by said date-differentiating processor, along with said object image, on said screen.

17. The device according to claim 16, wherein said display processor comprises a character code output processor that outputs a character code corresponding to said date, and a character signal generating processor that generates a character signal in accordance with said character code output by said character code output processor, said character signal being output, along with a video signal corresponding to said object image, to a monitor provided outside said electronic endoscope, so that said object image is displayed on said screen and said date is displayed at a predetermined position on said screen.

18. The device according to claim 17, wherein said date-differentiating processor outputs said character code in such a manner that one of the year, month, and day, to be differentiated from the others, is displayed in a mode of display which is different from that of the others.

19. An electronic endoscope comprising:

a display processor configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen; and

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a storing processor that stores said date along with said object image in an image storage device as a single image;

said storing processor configured to differentiate at least one of the year, month, and day by storing one of the year, month, and day by a different color in said image storage device.

21. The electronic endoscope according to claim 19, wherein said storing processor stores the year, month, and day in said image storage device to enable at least the month and day in the year, month, and day to be differentiated on said screen.

22. The electronic endoscope according to claim 21, wherein said storing processor stores one of the month and day in the year, month, and day by a different color in said image storage device.

23. The electronic endoscope according to claim 21, wherein said storing processor stores the year, month, and day displayed by numerals by different colors in said image storage device.

25. The electronic endoscope according to claim 19, wherein the display order can be changed on said screen by a switching operation of the display order.

26. The electronic endoscope according to claim 19, wherein said image stored in said image storage device is at least reproduced and displayed on said screen or output as hard copy.

27. The electronic endoscope according to claim 19, wherein said storing processor comprises a character code output processor that outputs a character code corresponding to said date, and a character signal generating processor that generates a character signal in accordance with said character code output by said character code output processor, said character signal being output, along with a video signal corresponding to said object image, to said image storage device, so that said date is stored in said image storage device along with said image.

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28. The electronic endoscope according to claim 27, wherein said storing processor outputs said character code in such a manner that one of the year, month, and day, to be differentiated from the others, is displayed in a mode of display which is different from that of the others.

29. An electronic endoscope comprising:

a display processor configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen; and

a date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color different from the others.

30. A data generating device for an electronic endoscope, the data generating device comprising:

an image data generator configured to generate image data corresponding to an object image obtained by the electronic endoscope; and

a date-differentiating processor configured to generate character information including a date, such that when the date is displayed on a screen of a display device along with the object image said date-differentiating processor differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a color different from the other of the year, month and day;

wherein an order of the displayed date is switchably displayable from among the year, month and day; month, day and year; and day, month and year.

31. An electronic endoscope comprising:

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a display processor configured to selectively and switchably display, along with an object image on a screen, an order of a date from among year, month and day; month, day and year; and day, month and year; and

a storing processor configured to:

store the date along with said object image in an image storage device as a single image; and

store the at least one of one of the year, month, and day of the date by a different color in said image storage device.

33. A data generating device, provided in an electronic endoscope, said device generating an image data corresponding to an object image obtained by said electronic endoscope, and character information including a date when said object image is obtained, said device comprising:

a date-differentiating processor that generates said character information so that, when said date is displayed on a screen of a display device along with said object image:

at least one of the year, month, and day is differentiated on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a font different from the others; and

the date is displayed in an order of at least one of year, month and day; month, day and year; and day, month and year.

34. An electronic endoscope comprising:

a display processor configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen; and

a storing processor that stores said date along with said object image in an image storage device as a single image;

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said storing processor configured to differentiate at least one of the year, month, and day by storing one of the year, month, and day by a different font in said image storage device.

35. An electronic endoscope comprising:

a display processor configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen; and

a date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a font different from the others.

36. A data generating device for an electronic endoscope, the data generating device comprising:

an image data generator configured to generate image data corresponding to an object image obtained by the electronic endoscope; and

a date-differentiating processor configured to generate character information including a date, such that when the date is displayed on a screen of a display device along with the object image said date-differentiating processor differentiates at least one of year, month and day on the screen by setting one of the year, month, and day to a font different from the other of the year, month and day;

wherein an order of the displayed date is switchably displayable from among the year, month and day; month, day and year; and day, month and year.

37. An electronic endoscope comprising:

a display processor configured to selectively and switchably display, along with an object image on a screen, an order of a date from among year, month and day; month, day and year; and day, month and year; and

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a storing processor configured to:

store the date along with said object image in an image storage device as a single image; and

store the at least one of one of the year, month, and day of the date by a different font in said image storage device.